

June 1, 2009

The Honorable Donovan W. Frank
United States District Court
724 Federal Building
316 North Robert Street
St. Paul, MN 55101

The Honorable Arthur J. Boylan
Magistrate Judge, District of Minnesota
334 Federal Building
316 North Robert Street
St. Paul, MN 55101

RE: State of Minnesota, by Michael Campion, its Commissioner of Public Safety and
Robert J. Bergstrom, Craig A. Zenobian, Shane M. Steffensen, Christopher D.
Jacobsen v. CMI of Kentucky, Inc.
U.S.D.C. File No. 0:08-cv-00603-DWF-AJB

Dear Judge Frank and Magistrate Judge Boylan:

We received today through ECF a Minute entry for proceedings held before Magistrate Judge Boylan on May 29, 2009 stating that a settlement had been reached. For the record, Plaintiffs-Intervenor object to the purported settlement.

Minnesota, State of v. CMI of Kentucky, Inc. Plaintiffs-Intervenor received no notice that a settlement conference was to be held on May 29, 2009 and accordingly were not present for said settlement conference. The formal court minutes listing of appearances states Mr. Charles Ramsay and Mr. Daniel Koewler appeared. This is incorrect. The last conference for which Plaintiffs-Intervenor were given notice and for which Plaintiffs-Intervenor were represented was the 2:30 p.m. telephone conference on May 13, 2009. In the last discussion with Magistrate Judge Boylan, Plaintiffs-Intervenor's counsel were advised that Magistrate Judge Boylan would get back to us to schedule any further settlement discussions. Since that time, we were not again contacted by Magistrate Judge Boylan.

Accordingly, we respectfully request that the Minute entries of proceedings for the May 18, 2009 and the May 29, 2009 matters be corrected to reflect that the Plaintiffs-Intervenor were not represented at these ex- parte proceedings, were not given any notice

The Honorable Donovan W. Frank
The Honorable Arthur J. Boylan, Magistrate Judge
Page 2 of 2
June 1, 2009

of said proceedings, are not aware of any of the terms of the purported settlement, and have not agreed to any of the terms of the secret settlement.

Plaintiffs-Intervenor respectfully request a copy of this purported settlement agreement be produced to them.

Sincerely,

CHARLES A. RAMSAY & ASSOCIATES, P.L.L.C.

s/Charles A. Ramsay

Charles A. Ramsay, Attorney ID #260277
Attorney at Law
2780 Snelling Avenue North
Suite 330
Roseville, MN 55113
Telephone: (651) 604-0000
Attorney for Plaintiffs-Intervenor

CHARLES A. RAMSAY & ASSOCIATES, P.L.L.C.

s/Daniel J. Koewler

Daniel J. Koewler, Attorney ID #388460
Attorney at Law
2780 Snelling Avenue North
Suite 330
Roseville, MN 55113
Telephone: (651) 604-0000
Attorney for Plaintiffs-Intervenor

cc: Counsel of Record in accordance with ECF